

HB6080



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6080

Introduced 2/11/2010, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

750 ILCS 50/10

from Ch. 40, par. 1512

Amends the Adoption Act. Provides 2 new adoption forms: final and irrevocable designated surrender for purposes of adoption; and final and irrevocable consent to adoption by a specified person or persons in a non-DCFS case. Effective immediately.

LRB096 18717 AJO 36573 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Adoption Act is amended by changing Section
5 10 as follows:

6 (750 ILCS 50/10) (from Ch. 40, par. 1512)

7 Sec. 10. Forms of consent and surrender; execution and
8 acknowledgment thereof. A. The form of consent required for
9 the adoption of a born child shall be substantially as follows:

10 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

11 I,, (relationship, e.g., mother, father, relative,
12 guardian) of, a ..male child, state:

13 That such child was born on at

14 That I reside at, County of and State of

15 That I am of the age of years.

16 That I hereby enter my appearance in this proceeding and
17 waive service of summons on me.

18 That I do hereby consent and agree to the adoption of such
19 child.

20 That I wish to and understand that by signing this consent
21 I do irrevocably and permanently give up all custody and other
22 parental rights I have to such child.

23 That I understand such child will be placed for adoption

1 and that I cannot under any circumstances, after signing this
 2 document, change my mind and revoke or cancel this consent or
 3 obtain or recover custody or any other rights over such child.
 4 That I have read and understand the above and I am signing it
 5 as my free and voluntary act.

6 Dated (insert date).

7

8 If under Section 8 the consent of more than one person is
 9 required, then each such person shall execute a separate
 10 consent.

11 B. The form of consent required for the adoption of an
 12 unborn child shall be substantially as follows:

13 CONSENT TO ADOPTION OF UNBORN CHILD

14 I,, state:

15 That I am the father of a child expected to be born on or
 16 about to (name of mother).

17 That I reside at County of, and State of

18 That I am of the age of years.

19 That I hereby enter my appearance in such adoption
 20 proceeding and waive service of summons on me.

21 That I do hereby consent and agree to the adoption of such
 22 child, and that I have not previously executed a consent or
 23 surrender with respect to such child.

24 That I wish to and do understand that by signing this
 25 consent I do irrevocably and permanently give up all custody

1 and other parental rights I have to such child, except that I
2 have the right to revoke this consent by giving written notice
3 of my revocation not later than 72 hours after the birth of the
4 child.

5 That I understand such child will be placed for adoption
6 and that, except as hereinabove provided, I cannot under any
7 circumstances, after signing this document, change my mind and
8 revoke or cancel this consent or obtain or recover custody or
9 any other rights over such child.

10 That I have read and understand the above and I am signing
11 it as my free and voluntary act.

12 Dated (insert date).
13

14 B-5. (1) The parent of a child may execute a consent to
15 standby adoption by a specified person or persons. A consent
16 under this subsection B-5 shall be acknowledged by a parent
17 pursuant to subsection H and subsection K of this Section. The
18 form of consent required for the standby adoption of a born
19 child effective at a future date when the consenting parent of
20 the child dies or requests that a final judgment of adoption be
21 entered shall be substantially as follows:

22 FINAL AND IRREVOCABLE CONSENT
23 TO STANDBY ADOPTION

24 I, ..., (relationship, e.g. mother or father) of, a
25 ..male child, state:

26 That the child was born on at

1 That I reside at, County of, and State of

2 That I am of the age of years.

3 That I hereby enter my appearance in this proceeding and
4 waive service of summons on me in this action only.

5 That I do hereby consent and agree to the standby adoption
6 of the child, and that I have not previously executed a consent
7 or surrender with respect to the child.

8 That I wish to and understand that by signing this consent
9 I do irrevocably and permanently give up all custody and other
10 parental rights I have to the child, effective upon (my death)
11 (the child's other parent's death) or upon (my) (the other
12 parent's) request for the entry of a final judgment for
13 adoption if (specified person or persons) adopt my child.

14 That I understand that until (I die) (the child's other
15 parent dies), I retain all legal rights and obligations
16 concerning the child, but at that time, I irrevocably give all
17 custody and other parental rights to (specified person or
18 persons).

19 I understand my child will be adopted by (specified
20 person or persons) only and that I cannot, under any
21 circumstances, after signing this document, change my mind and
22 revoke or cancel this consent or obtain or recover custody or
23 any other rights over my child if (specified person or
24 persons) adopt my child.

25 I understand that this consent to standby adoption is valid
26 only if the petition for standby adoption is filed and that if

1 (specified person or persons), for any reason, cannot
 2 or will not file a petition for standby adoption or if his,
 3 her, or their petition for standby adoption is denied, then
 4 this consent is void. I have the right to notice of any other
 5 proceeding that could affect my parental rights.

6 That I have read and understand the above and I am signing
 7 it as my free and voluntary act.

8 Dated (insert date).

9

10 If under Section 8 the consent of more than one person is
 11 required, then each such person shall execute a separate
 12 consent. A separate consent shall be executed for each child.

13 (2) If the parent consents to a standby adoption by 2
 14 specified persons, then the form shall contain 2 additional
 15 paragraphs in substantially the following form:

16 If (specified persons) obtain a judgment of
 17 dissolution of marriage before the judgment for adoption is
 18 entered, then (specified person) shall adopt my child. I
 19 understand that I cannot change my mind and revoke this consent
 20 or obtain or recover custody of my child if (specified
 21 persons) obtain a judgment of dissolution of marriage and
 22 (specified person) adopts my child. I understand that I cannot
 23 change my mind and revoke this consent if (specified
 24 persons) obtain a judgment of dissolution of marriage before
 25 the adoption is final. I understand that this consent to

1 adoption has no effect on who will get custody of my child if
 2 (specified persons) obtain a judgment of dissolution of
 3 marriage after the adoption is final. I understand that if
 4 either (specified persons) dies before the petition to
 5 adopt my child is granted, then the surviving person may adopt
 6 my child. I understand that I cannot change my mind and revoke
 7 this consent or obtain or recover custody of my child if the
 8 surviving person adopts my child.

9 A consent to standby adoption by specified persons on this
 10 form shall have no effect on a court's determination of custody
 11 or visitation under the Illinois Marriage and Dissolution of
 12 Marriage Act if the marriage of the specified persons is
 13 dissolved before the adoption is final.

14 (3) The form of the certificate of acknowledgement for a
 15 Final and Irrevocable Consent for Standby Adoption shall be
 16 substantially as follows:

17 STATE OF)
 18) SS.
 19 COUNTY OF)

20 I, (name of Judge or other person) (official
 21 title, name, and address), certify that, personally
 22 known to me to be the same person whose name is subscribed to
 23 the foregoing Final and Irrevocable Consent to Standby
 24 Adoption, appeared before me this day in person and

1 acknowledged that (she) (he) signed and delivered the consent
2 as (her) (his) free and voluntary act, for the specified
3 purpose.

4 I have fully explained that this consent to adoption is
5 valid only if the petition to adopt is filed, and that if the
6 specified person or persons, for any reason, cannot or will not
7 adopt the child or if the adoption petition is denied, then
8 this consent will be void. I have fully explained that if the
9 specified person or persons adopt the child, by signing this
10 consent (she) (he) is irrevocably and permanently
11 relinquishing all parental rights to the child, and (she) (he)
12 has stated that such is (her) (his) intention and desire.

13 Dated (insert date).

14 Signature.....

15 (4) If a consent to standby adoption is executed in this
16 form, the consent shall be valid only if the specified person
17 or persons adopt the child. The consent shall be void if:

18 (a) the specified person or persons do not file a petition
19 for standby adoption of the child; or

20 (b) a court denies the standby adoption petition.

21 The parent shall not need to take further action to revoke
22 the consent if the standby adoption by the specified person or
23 persons does not occur, notwithstanding the provisions of
24 Section 11 of this Act.

25 C. The form of surrender to any agency given by a parent of
26 a born child who is to be subsequently placed for adoption

1 shall be substantially as follows and shall contain such other
2 facts and statements as the particular agency shall require.

3 FINAL AND IRREVOCABLE SURRENDER

4 FOR PURPOSES OF ADOPTION

5 I, (relationship, e.g., mother, father, relative,
6 guardian) of, a ..male child, state:

7 That such child was born on, at

8 That I reside at, County of, and State of

9 That I am of the age of years.

10 That I do hereby surrender and entrust the entire custody
11 and control of such child to the (the "Agency"), a
12 (public) (licensed) child welfare agency with its principal
13 office in the City of, County of and State of,
14 for the purpose of enabling it to care for and supervise the
15 care of such child, to place such child for adoption and to
16 consent to the legal adoption of such child.

17 That I hereby grant to the Agency full power and authority
18 to place such child with any person or persons it may in its
19 sole discretion select to become the adopting parent or parents
20 and to consent to the legal adoption of such child by such
21 person or persons; and to take any and all measures which, in
22 the judgment of the Agency, may be for the best interests of
23 such child, including authorizing medical, surgical and dental
24 care and treatment including inoculation and anaesthesia for
25 such child.

26 That I wish to and understand that by signing this

1 surrender I do irrevocably and permanently give up all custody
2 and other parental rights I have to such child.

3 That I understand I cannot under any circumstances, after
4 signing this surrender, change my mind and revoke or cancel
5 this surrender or obtain or recover custody or any other rights
6 over such child.

7 That I have read and understand the above and I am signing
8 it as my free and voluntary act.

9 Dated (insert date).

10

11 C-5. The form of a Final and Irrevocable Designated
12 Surrender for Purposes of Adoption to any agency given by a
13 parent of a born child who is to be subsequently placed for
14 adoption shall be substantially as follows and shall contain
15 such other facts and statements as the particular agency shall
16 require:

17 FINAL AND IRREVOCABLE DESIGNATED SURRENDER

18 FOR PURPOSES OF ADOPTION

19 1. I, (relationship, e.g., mother, father, relative,
20 guardian) of, a ..male child, state:

21 2. That such child was born on, at

22 3. That I reside at, County of, and State of
23

24 4. That I am of the age of years.

25 5. That I hereby enter my appearance in this proceeding and
26 waive service of summons on me.

1 6. That I do hereby surrender and entrust the entire
2 custody and control of such child to the (the "Agency"), a
3 (public) (licensed) child welfare agency with its principal
4 office in the City of, County of and State of,
5 for the purpose of enabling it to care for and supervise the
6 care of such child, to place such child for adoption with
7 (specified person or persons)
8 and to consent to the legal adoption of such child and to take
9 any and all measures which, in the judgment of the Agency, may
10 be for the best interests of such child, including authorizing
11 medical, surgical and dental care and treatment including
12 inoculation and anesthesia for such child.

13 7. That I wish to and understand that by signing this
14 surrender I do irrevocably and permanently give up all custody
15 and other parental rights I have to such child.

16 8. That if the petition for adoption is not filed by the
17 specified person or persons designated herein or, if said
18 petition for adoption is filed but the adoption petition is
19 dismissed with prejudice or the adoption proceeding is
20 otherwise concluded without an order declaring the child to be
21 the adopted child of each said person, then I hereby grant to
22 the Agency full power and authority to place such child with
23 any person or persons it may in its sole discretion select to
24 become the adopting parent or parents and to consent to the
25 legal adoption of such child by such person or persons.

26 9. That I acknowledge that this surrender is valid even if

1 the specified person or persons separate or divorce or one of
2 the specified persons dies prior to the entry of the final
3 judgment for adoption.

4 10. That I expressly acknowledge that the above paragraphs
5 8 and 9 do not impair the validity and absolute finality of
6 this surrender under any circumstance.

7 11. That I understand I cannot under any circumstances,
8 after signing this surrender, change my mind and revoke or
9 cancel this surrender or obtain or recover custody or any other
10 rights over such child.

11 12. That I have read and understand the above and I am
12 signing it as my free and voluntary act.

13 Dated (insert date).

14

15 D. The form of surrender to an agency given by a parent of
16 an unborn child who is to be subsequently placed for adoption
17 shall be substantially as follows and shall contain such other
18 facts and statements as the particular agency shall require.

19 SURRENDER OF UNBORN CHILD FOR

20 PURPOSES OF ADOPTION

21 I, (father), state:

22 That I am the father of a child expected to be born on or
23 about to (name of mother).

24 That I reside at, County of, and State of

25 That I am of the age of years.

26 That I do hereby surrender and entrust the entire custody

1 and control of such child to the (the "Agency"), a
2 (public) (licensed) child welfare agency with its principal
3 office in the City of, County of and State of,
4 for the purpose of enabling it to care for and supervise the
5 care of such child, to place such child for adoption and to
6 consent to the legal adoption of such child, and that I have
7 not previously executed a consent or surrender with respect to
8 such child.

9 That I hereby grant to the Agency full power and authority
10 to place such child with any person or persons it may in its
11 sole discretion select to become the adopting parent or parents
12 and to consent to the legal adoption of such child by such
13 person or persons; and to take any and all measures which, in
14 the judgment of the Agency, may be for the best interests of
15 such child, including authorizing medical, surgical and dental
16 care and treatment, including inoculation and anaesthesia for
17 such child.

18 That I wish to and understand that by signing this
19 surrender I do irrevocably and permanently give up all custody
20 and other parental rights I have to such child.

21 That I understand I cannot under any circumstances, after
22 signing this surrender, change my mind and revoke or cancel
23 this surrender or obtain or recover custody or any other rights
24 over such child, except that I have the right to revoke this
25 surrender by giving written notice of my revocation not later
26 than 72 hours after the birth of such child.

1 That I have read and understand the above and I am signing
2 it as my free and voluntary act.

3 Dated (insert date).
4

5 E. The form of consent required from the parents for the
6 adoption of an adult, when such adult elects to obtain such
7 consent, shall be substantially as follows:

8 CONSENT

9 I,, (father) (mother) of, an adult, state:
10 That I reside at, County of and State of

11 That I do hereby consent and agree to the adoption of such
12 adult by and

13 Dated (insert date).
14

15 F. The form of consent required for the adoption of a child
16 of the age of 14 years or upwards, or of an adult, to be given
17 by such person, shall be substantially as follows:

18 CONSENT

19 I,, state:
20 That I reside at, County of and State of

21 That I am of the age of years. That I consent and agree to
22 my adoption by and

23 Dated (insert date).
24

25 G. The form of consent given by an agency to the adoption
26 by specified persons of a child previously surrendered to it

1 shall set forth that the agency has the authority to execute
2 such consent. The form of consent given by a guardian of the
3 person of a child sought to be adopted, appointed by a court of
4 competent jurisdiction, shall set forth the facts of such
5 appointment and the authority of the guardian to execute such
6 consent.

7 H. A consent (other than that given by an agency, or
8 guardian of the person of the child sought to be adopted who
9 was appointed by a court of competent jurisdiction) shall be
10 acknowledged by a parent before a judge of a court of competent
11 jurisdiction or, except as otherwise provided in this Act,
12 before a representative of an agency, or before a person, other
13 than the attorney for the prospective adoptive parent or
14 parents, designated by a court of competent jurisdiction.

15 I. A surrender, or any other document equivalent to a
16 surrender, by which a child is surrendered to an agency shall
17 be acknowledged by the person signing such surrender, or other
18 document, before a judge of a court of competent jurisdiction,
19 or, except as otherwise provided in this Act, before a
20 representative of an agency, or before a person designated by a
21 court of competent jurisdiction.

22 J. The form of the certificate of acknowledgment for a
23 consent, a surrender, or any other document equivalent to a
24 surrender, shall be substantially as follows:

25 STATE OF)

26) SS.

1 COUNTY OF ...)

2 I, (Name of judge or other person), (official
3 title, name and location of court or status or position of
4 other person), certify that, personally known to me to be
5 the same person whose name is subscribed to the foregoing
6 (consent) (surrender), appeared before me this day in person
7 and acknowledged that (she) (he) signed and delivered such
8 (consent) (surrender) as (her) (his) free and voluntary act,
9 for the specified purpose.

10 I have fully explained that by signing such (consent)
11 (surrender) (she) (he) is irrevocably relinquishing all
12 parental rights to such child or adult and (she) (he) has
13 stated that such is (her) (his) intention and desire.

14 Dated (insert date).

15 Signature

16 K. When the execution of a consent or a surrender is
17 acknowledged before someone other than a judge, such other
18 person shall have his or her signature on the certificate
19 acknowledged before a notary public, in form substantially as
20 follows:

21 STATE OF)

22) SS.

23 COUNTY OF ...)

24 I, a Notary Public, in and for the County of, in the
25 State of, certify that, personally known to me to
26 be the same person whose name is subscribed to the foregoing

1 certificate of acknowledgment, appeared before me in person and
2 acknowledged that (she) (he) signed such certificate as (her)
3 (his) free and voluntary act and that the statements made in
4 the certificate are true.

5 Dated (insert date).

6 Signature Notary Public
7 (official seal)

8 There shall be attached a certificate of magistracy, or
9 other comparable proof of office of the notary public
10 satisfactory to the court, to a consent signed and acknowledged
11 in another state.

12 L. A surrender or consent executed and acknowledged outside
13 of this State, either in accordance with the law of this State
14 or in accordance with the law of the place where executed, is
15 valid.

16 M. Where a consent or a surrender is signed in a foreign
17 country, the execution of such consent shall be acknowledged or
18 affirmed in a manner conformable to the law and procedure of
19 such country.

20 N. If the person signing a consent or surrender is in the
21 military service of the United States, the execution of such
22 consent or surrender may be acknowledged before a commissioned
23 officer and the signature of such officer on such certificate
24 shall be verified or acknowledged before a notary public or by
25 such other procedure as is then in effect for such division or

1 branch of the armed forces.

2 O. (1) The parent or parents of a child in whose interests
3 a petition under Section 2-13 of the Juvenile Court Act of 1987
4 is pending may, with the approval of the designated
5 representative of the Department of Children and Family
6 Services, execute a consent to adoption by a specified person
7 or persons:

8 (a) in whose physical custody the child has resided for
9 at least 6 months; or

10 (b) in whose physical custody at least one sibling of
11 the child who is the subject of this consent has resided
12 for at least 6 months, and the child who is the subject of
13 this consent is currently residing in this foster home; or

14 (c) in whose physical custody a child under one year of
15 age has resided for at least 3 months.

16 A consent under this subsection O shall be acknowledged by a
17 parent pursuant to subsection H and subsection K of this
18 Section.

19 (2) The consent to adoption by a specified person or
20 persons shall have the caption of the proceeding in which it is
21 to be filed and shall be substantially as follows:

22 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

23 A SPECIFIED PERSON OR PERSONS

24 I,, the
25 (mother or father) of amale child,
26 state:

1 1. My child (name of
 2 child) was born on (insert date) at
 3 Hospital in County, State of
 4

5 2. I reside at, County of
 6 and State of

7 3. I,, am years old.

8 4. I enter my appearance in this action to adopt my
 9 child by the person or persons specified herein by me and
 10 waive service of summons on me in this action only.

11 5. I consent to the adoption of my child by
 12 (specified person or
 13 persons) only.

14 6. I wish to sign this consent and I understand that by
 15 signing this consent I irrevocably and permanently give up
 16 all parental rights I have to my child if my child is
 17 adopted by (specified person
 18 or persons).

19 7. I understand my child will be adopted by
 20 (specified person or
 21 persons) only and that I cannot under any circumstances,
 22 after signing this document, change my mind and revoke or
 23 cancel this consent or obtain or recover custody or any
 24 other rights over my child if
 25 (specified person or persons) adopt my child.

26 8. I understand that this consent to adoption is valid

1 only if the petition to adopt is filed within one year from
 2 the date that I sign it and that if
 3 (specified person or persons), for any reason, cannot or
 4 will not file a petition to adopt my child within that one
 5 year period or if their adoption petition is denied, then
 6 this consent will be voidable after one year upon the
 7 timely filing of my motion. If I file this motion before
 8 the filing of the petition for adoption, I understand that
 9 the court shall revoke this specific consent. I have the
 10 right to notice of any other proceeding that could affect
 11 my parental rights, except for the proceeding for
 12 (specified person or persons) to adopt my
 13 child.

14 9. I have read and understand the above and I am
 15 signing it as my free and voluntary act.

16 Dated (insert date).

17

18 Signature of parent

19 (3) If the parent consents to an adoption by 2 specified
 20 persons, then the form shall contain 2 additional paragraphs in
 21 substantially the following form:

22 10. If (specified persons) get a
 23 divorce before the petition to adopt my child is granted,
 24 then (specified person) shall adopt my child. I
 25 understand that I cannot change my mind and revoke this
 26 consent or obtain or recover custody over my child if

1 (specified persons) divorce and
 2 (specified person) adopts my child. I
 3 understand that I cannot change my mind and revoke this
 4 consent or obtain or recover custody over my child if
 5 (specified persons) divorce after the
 6 adoption is final. I understand that this consent to
 7 adoption has no effect on who will get custody of my child
 8 if they divorce after the adoption is final.

9 11. I understand that if either
 10 (specified persons) dies before the petition to adopt my
 11 child is granted, then the surviving person can adopt my
 12 child. I understand that I cannot change my mind and revoke
 13 this consent or obtain or recover custody over my child if
 14 the surviving person adopts my child.

15 A consent to adoption by specified persons on this form
 16 shall have no effect on a court's determination of custody or
 17 visitation under the Illinois Marriage and Dissolution of
 18 Marriage Act if the marriage of the specified persons is
 19 dissolved after the adoption is final.

20 (4) The form of the certificate of acknowledgement for a
 21 Final and Irrevocable Consent for Adoption by a Specified
 22 Person or Persons shall be substantially as follows:

23 STATE OF.....)

24) SS.

25 COUNTY OF.....)

1 I, (Name of Judge or other person),
 2 (official title, name, and address),
 3 certify that, personally known to me to be the
 4 same person whose name is subscribed to the foregoing Final and
 5 Irrevocable Consent for Adoption by a Specified Person or
 6 Persons, appeared before me this day in person and acknowledged
 7 that (she) (he) signed and delivered the consent as (her) (his)
 8 free and voluntary act, for the specified purpose.

9 I have fully explained that this consent to adoption is
 10 valid only if the petition to adopt is filed within one year
 11 from the date that it is signed, and that if the specified
 12 person or persons, for any reason, cannot or will not adopt the
 13 child or if the adoption petition is denied, then this consent
 14 will be voidable after one year upon the timely filing of a
 15 motion by the parent to revoke the consent. I explained that if
 16 this motion is filed before the filing of the petition for
 17 adoption, the court shall revoke this specific consent. I have
 18 fully explained that if the specified person or persons adopt
 19 the child, by signing this consent this parent is irrevocably
 20 and permanently relinquishing all parental rights to the child,
 21 and this parent has stated that such is (her) (his) intention
 22 and desire.

23 Dated (insert date).

24

25 Signature

1 (5) If a consent to adoption by a specified person or
2 persons is executed in this form, the following provisions
3 shall apply. The consent shall be valid only if that specified
4 person or persons adopt the child. The consent shall be
5 voidable after one year if:

6 (a) the specified person or persons do not file a
7 petition to adopt the child within one year after the
8 consent is signed and the parent files a timely motion to
9 revoke this consent. If this motion is filed before the
10 filing of the petition for adoption the court shall revoke
11 this consent; or

12 (b) a court denies the adoption petition; or

13 (c) the Department of Children and Family Services
14 Guardianship Administrator determines that the specified
15 person or persons will not or cannot complete the adoption,
16 or in the best interests of the child should not adopt the
17 child.

18 Within 30 days of the consent becoming void, the Department
19 of Children and Family Services Guardianship Administrator
20 shall make good faith attempts to notify the parent in writing
21 and shall give written notice to the court and all additional
22 parties in writing that the adoption has not occurred or will
23 not occur and that the consent is void. If the adoption by a
24 specified person or persons does not occur, no proceeding for
25 termination of parental rights shall be brought unless the
26 biological parent who executed the consent to adoption by a

1 specified person or persons has been notified of the proceeding
2 pursuant to Section 7 of this Act or subsection (4) of Section
3 2-13 of the Juvenile Court Act of 1987. The parent shall not
4 need to take further action to revoke the consent if the
5 specified adoption does not occur, notwithstanding the
6 provisions of Section 11 of this Act.

7 (6) The Department of Children and Family Services is
8 authorized to promulgate rules necessary to implement this
9 subsection O.

10 (7) The Department shall collect and maintain data
11 concerning the efficacy of specific consents. This data shall
12 include the number of specific consents executed and their
13 outcomes, including but not limited to the number of children
14 adopted pursuant to the consents, the number of children for
15 whom adoptions are not completed, and the reason or reasons why
16 the adoptions are not completed.

17 O-5. (1) The form of the Final and Irrevocable Consent to
18 Adoption By A Specified Person or Persons; Non-DCFS Case set
19 forth in this subsection O-5 is to be used by legal parents
20 only. This form is not to be used in cases in which there is a
21 pending petition under Section 2-13 of the Juvenile Court Act
22 of 1987.

23 (2) The form of the Final and Irrevocable Consent to
24 Adoption By A Specified Person or Persons in a non-DCFS case
25 shall have the caption of the proceeding in which it is to be
26 filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

1 1. I,, (relationship, e.g., mother, father) of, a
2 ..male child, state:

3 2. That such child was born on atCity... and
4 State of....

5 3. That I reside at, County of and State of

6 4. That I am of the age of years.

7 5. That I hereby enter my appearance in this proceeding and
8 waive service of summons on me.

9 6. That I do hereby consent and agree to the adoption of
10 such child by (specified persons) only.

11 7. That I wish to and understand that upon signing this
12 consent I do irrevocably and permanently give up all custody
13 and other parental rights I have to such child if such child is
14 adopted by (specified person or persons). I hereby
15 transfer all of my rights to the custody, care and control of
16 such child to (specified person
17 or persons).

18 8. That I understand such child will be adopted by
19 (specified person or persons) and that
20 I cannot under any circumstances, after signing this document,
21 change my mind and revoke or cancel this consent or obtain or
22 recover custody or any other rights over such child if
23 (specified person or persons)
24 adopt(s) such child; PROVIDED that each specified person or
25 (specified person or persons)
26 (specified person or persons)

1 persons has filed or shall file, within 60 days from the date
2 hereof, a petition for the adoption of such child.

3 9. That if the specified person or persons designated
4 herein does or do not file a petition for adoption within the
5 time-frame specified above, or, if said petition for adoption
6 is filed within the time-frame specified above but the adoption
7 petition is dismissed with prejudice or the adoption proceeding
8 is otherwise concluded without an order declaring the child to
9 be the adopted child of each said person, then I request that
10 the child be returned to me.

11 10. That I expressly acknowledge that above paragraphs 8
12 and 9 do not impair the validity and absolute finality of this
13 consent under any circumstance other than those specified in
14 paragraph 9.

15 11. That I understand that I have a remaining duty and
16 obligation to keep..... (insert name and address of the attorney
17 for the specified person or persons) apprised of my current
18 address until this adoption has been finalized. The failure to
19 do so may result in the termination of my parental rights and
20 the child being placed for adoption in another home.

21 12. That I do expressly waive any other notice or service
22 of process in any of the legal proceedings for the adoption of
23 the child as long as the adoption proceeding by the specified
24 person or persons is pending.

25 13. That I have read and understand the above and I am
26 signing it as my free and voluntary act.

1 14. That I acknowledge that this consent is valid even if
 2 the specified person or persons separate or divorce or one of
 3 the specified persons dies prior to the entry of the final
 4 judgment for adoption.

5 Dated (insert date).
 6

7 Signature of parent
 8

9 Address of parent
 10

11 Phone number(s) of parent
 12

13 Personal email(s) of parent

14 (3) The form of the certificate of acknowledgement for a
 15 Final and Irrevocable Consent for Adoption by a Specified
 16 Person or Persons; Non-DCFS Case shall be substantially as
 17 follows:

18 STATE OF.....)

19 _____) SS.

20 COUNTY OF.....)

21 I, (Name of Judge or other person),
 22 (official title, name, and address),
 23 certify that, personally known to me to be the
 24 same person whose name is subscribed to the foregoing Final and
 25 Irrevocable Consent for Adoption by a Specified Person or

1 Persons; non-DCFS case, appeared before me this day in person
2 and acknowledged that (she)(he) signed and delivered the
3 consent as (her)(his) free and voluntary act, for the specified
4 purpose.

5 P. If the person signing a consent is incarcerated or
6 detained in a correctional facility, prison, jail, detention
7 center, or other comparable institution, either in this State
8 or any other jurisdiction, the execution of such consent may be
9 acknowledged before social service personnel of such
10 institution, or before a person designated by a court of
11 competent jurisdiction.

12 Q. A consent may be acknowledged telephonically, via
13 audiovisual connection, or other electronic means, provided
14 that a court of competent jurisdiction has entered an order
15 approving the execution of the consent in such manner and has
16 designated an individual to be physically present with the
17 parent executing such consent in order to verify the identity
18 of the parent.

19 R. An agency whose representative is acknowledging a
20 consent pursuant to this Section shall be a public child
21 welfare agency, or a child welfare agency, or a child placing
22 agency that is authorized or licensed in the State or
23 jurisdiction in which the consent is signed.

24 (Source: P.A. 96-601, eff. 8-21-09.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.